

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EUCLIDES SOTO, LOUIS A. MARTINEZ,
JOSE RAMIREZ, CLEMENTE HERNANDEZ,
CESAR PIZARO, ELISON PENA,
JUAN COLON, JOSE ORTIZ, RAFAEL TORRES,
ANGEL BAEZ, ANTONIO MARTINEZ,
WILFREDO ORTIZ, EULOGIO ORTIZ,
MIRRAIN MIRANDA, RAFAEL MORENO,
NELSON ACEVEDO, and
RAMON RODRIQUEZ,

Plaintiffs,

v.

SHERMAN-FEINBERG CORPORATION,
FARNSWORTH FIBRE CORPORATION,
and UNITED STEELWORKERS OF AMERICA,
LOCAL 421-U,

Defendants.

Civil Action No.
04-10892-JLT

AFFIDAVIT OF CINDY NILE

I, Cindy Nile, hereby depose and state as follows:

1. I am the office manager of Pyle, Rome, Lichten, Ehrenberg & Liss-Riordan.
2. On the morning of Tuesday, January 4, 2005 at approximately 9:30 a.m. I called the office of plaintiff's counsel, Robert O. Berger, regarding the date and time of the scheduling conference in above-referenced case. I received Attorney Berger's voicemail and left a message.

3. Immediately after calling Attorney Berger's office and not reaching him, I called Zita Lovett at the U.S. District Court regarding the date and time of the scheduling conference. I received Ms. Lovett's voicemail and left a message.

4. Immediately after leaving a voicemail message for Ms. Lovett, I checked PACER to ascertain when the scheduling conference was scheduled for, however, the only notice of the scheduling conference in the case was the original notice scheduling same for December 7, 2004. There was no notice of the rescheduled conference on the docket report for the case and I have attached hereto as Exhibit A the Docket Report for the case as it appeared on January 4, 2005. (See Exhibit A attached hereto.)

5. Immediately after checking PACER, I telephone Ms. Lovett's office once more and again received her voicemail. I then telephoned Dale Berthiaume, secretary to Judge Joseph Tauro, and was told that Ms. Lovett was in the office today but was in court at that time.

6. At approximately 12:00 p.m. I telephoned Ms. Lovett once more and was able to reach her and was informed that the scheduling conference had been rescheduled for January 4, 2005 at 10:30 a.m.

Signed under the pains and penalties of perjury this 11th day of January, 2005.


Cindy Nile